IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3790 of 2000

Between:

M. Sudhakara Rao, S/o. Late Venkata Subbaiah,
Sree Venkateswara Rice Mill, Nidubrolu,
Ponnur, Guntur District.

..... PETITIONER

AND

1 Engineer-in-Chief, A.P.TRANSCO,
Khairatabad, Hyderabad.
2 Chief Engineer (Elec.), Vijayawada Zone,
Vijayawada, Krishna District.
3 Superintendent Engineer (Operations),
Guntur, Guntur District.
4 Assistant Accounts Officer (Elec. Revenue Office,
A.P.TRANSCO, Bapatla,
Guntur District.
5 Assistant Divisional Engineer, DPE/I,
A.P.TRANSCO, Guntur.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction, more particularly one in the nature of Writ of Mandamus, directing the respondents more particularly the 2nd Respondent herein to refund forthwith, an amount of Rs.3,21,988/- as directed by the Statutory Authority i.e., Chief Electical Inspector, Government of Andhra Pradesh, Hyderabad, together with interest @ 18% per annum from 19-6-1999 i.e., the date of the orders of the Chief Electrical Inspector to Government of Andhra Pradesh.

Counsel for the Petitioner: MR.P.RAVI SANKAR

Counsel for the Respondent Nos.1 to 5: MR.KISHORE SAMINENI (SC FOR AP TRANSCO) (Not present)

The Court made the following :

ORDER

Heard Mr.B.Ravi Shankar, learned counsel for the petitioner. Though this matter had come up earlier including yesterday i.e., on 10-03-2005, none appears for the respondents nor there is any representation on behalf of the respondents.

The grievance of the petitioner is that the 2nd respondent has not refunded the amount of Rs.3,21,988/- as directed by the Statutory Authority i.e., Chief Electrical Inspector, Government of A.P., Hyderabad together with interest at 18% per annum from 19-06-1999.

The facts leading to filing of the Writ Petition is that during the course of inspection made on 15-09-1997, certain irregularities were found in the premises of the petitioner. There upon proceedings have been initiated and ultimately certain amount was fixed as liability by the primary authority. Against the same, an appeal was preferred by the petitioner and the Chief Electrical Inspector, Hyderabad, has passed orders dated 19-06-1999 varying the same. But in the meanwhile, the petitioner has paid the amount. Therefore, having regard to the fact that the order dated
19-06-1999 reduced the liability, the amount paid has to be refunded to the petitioner. In spite of making several representations in this regard by the petitioner, no amount has been paid.

On a reading of the counter affidavit filed on behalf of the respondents, it is seen that there is no dispute with regard to the orders passed on 19-06-1999 wherein the amount has to be refunded to the petitioner and therefore, the amount has to be repaid to the petitioner. It is stated that as against the said orders, the respondents are trying to prefer an appeal. Though the counter affidavit is filed long back, even till today neither the amount is paid nor any appeal is preferred as contemplated under the law. In view of the same, it has to be seen that the order, dated
19-06-1999, had become final and binding on the respondents. Therefore, the

question of withholding the amount by the respondents herein in spite of the orders passed on 19-06-1999 is wholly unjustified. Apart from the above, there is no other question involved nor there is any reason shown for withholding the amount.

In the circumstances, the Writ Petition is accordingly allowed. The respondents shall pay the amount to the petitioner within a period of two months from the date of receipt of a copy of this order. No costs.

11-03-2005.

Hsd

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Friday, the Eleventh day of March, 2005.

Asst. Registrar

To

1 Engineer-in-Chief, A.P.TRANSCO,
Khairatabad, Hyderabad.

2 Chief Engineer (Elec.), Vijayawada Zone,
Vijayawada, Krishna District.

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